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NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS -  
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF:

**PAUL L. SEDLACEK, D.V.M.**

TO PRACTICE VETERINARY MEDICINE  
IN THE STATE OF NEW JERSEY

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:  
: Administrative Action  
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: CONSENT ORDER  
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This matter was opened to the State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") following the Board's review of a consumer complaint filed by Russell and Jennifer Herman, on or about November 28, 2001, concerning services rendered by Paul L. Sedlacek, D.V.M., to their nine (9) month old Cockatiel beginning October 19, 2001. On this date, the Hermans took their bird, named "Baby," to Dr. Sedlacek's hospital, the Animal Clinic of Morris Plains ("Clinic"),

complaining that Baby was less active than usual and was not eating following a regurgitation of her food.

Baby was kept at the clinic beginning October 19, 2001. Dr. Sedlacek's initial diagnostics included a culture and sensitivity of the vent, cytology of the crop and a chlamydia FA. The respondent did not take any radiographs of Baby or perform an in-house gram stain test on fecal and oral samples. Additionally, his initial diagnostics did not include a CBC and serum chemistry panel.

Dr. Sedlacek's initial treatments of the cockatiel consisted of Baytril and Doxycycline injections, supplemental vitamins, subcutaneous fluids and tube feeding for the next several days. On October 24<sup>th</sup>, after five days of treatment and a less than satisfactory response from Baby, Baytril injections were discontinued and Amikacin injections commenced.

Baby's condition did not improve. On or about day ten of Baby's hospitalization, on October 29<sup>th</sup>, a sample was submitted for a standard avian profile, including CBC and serum chemistry profile. The results of these tests, received the next day, indicated severe kidney failure with a poor prognosis. The owners were informed of Baby's condition and elected to proceed with euthanasia. Baby was euthanized on October 30, 2001.

In correspondence dated December 10, 2001, Dr. Sedlacek provided the Board with a written response to the Hermans'

complaint. He detailed the treatment and services provided Baby during her hospitalization. He further denied any wrongdoing in connection with this matter. Finally, the respondent asserted that he had, at all times, adhered to the appropriate standard of care and had kept the family informed of all of his findings, treatments and their options.

The Board, following its review of the relevant documents in this matter, concludes that Dr. Sedlacek engaged in repeated acts of negligence, malpractice or incompetence, in violation of N.J.S.A. 45:1-21(d), in that he failed to perform necessary diagnostic tests, that are acceptable practice in avian medicine, on a timely basis, such as a CBC and serum chemistry profile and an in-house gram stain test. Additionally, the Board finds that the respondent's failure to include a radiograph as part of his initial set of diagnostics in this case constitutes negligence. Finally, the Board concludes that Dr. Sedlacek's use of a recognized nephrotoxic drug, Amikacin, in a debilitated patient without prior blood work to evaluate renal function also constitutes negligence in violation of N.J.S.A. 45:1-21(d). The Board finds that these facts establish a basis for disciplinary action.

The parties desiring to resolve this matter without the need for further disciplinary proceedings; and, for the purposes of settlement only, the respondent acknowledging the Board's assessment that he failed to perform a CBC and serum chemistry, and

agreeing not to contest the Board's finding concerning his administration of Amikacin and his failure to perform an in-house gram stain test and to take a radiograph; and the Board being satisfied that the within resolution adequately protects the public health, safety and welfare, and for good cause shown:

**IT IS, THEREFORE, ON THIS 26<sup>th</sup> DAY OF march 2003,**

**ORDERED THAT:**

1. The respondent Paul L. Sedlacek, D.V.M., shall pay a civil penalty, totaling \$1,500.00 for engaging in repeated acts of negligence contrary to the mandates of N.J.S.A. 45:1-21(d). Payment for the civil penalty shall be submitted no later than fifteen (15) days from the entry of this Consent Order, by certified check or money order made payable to the State Board of Veterinary Medical Examiners, and shall be forwarded to Leslie Aronson, Executive Director of the Board, 124 Halsey Street, Sixth Floor, Post Office Box 45020, Newark, New Jersey 07101. Any subsequent violations will subject the respondent to enhanced penalties as provided for in N.J.S.A. 45:1-25.

2. Dr. Sedlacek shall cease and desist from failing to perform necessary diagnostic tests on a timely basis.

3. The respondent is hereby assessed costs in the amount of \$300.00 incurred by the State in this matter. Payment of the costs shall be submitted, by certified check or money order, made payable to the Board of Veterinary Medical Examiners and

forwarded, no later than ten (10) days from the entry of this Consent Order. Payment shall be sent to Leslie Aronson, Executive Director, at the address listed in paragraph one above.

NEW JERSEY STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

By: Neal Beeber  
NEAL BEEBER, D.V.M.  
President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Paul E. Sedlacek 3/24/03  
PAUL E. SEDLACEK, D.V.M. Dated

This Order is agreed to as to form and entry.

Deborah A. Holzman Dated 3/25/03  
DEBORAH A. HOLZMAN, ESQUIRE  
Attorney for Paul Sedlacek, D.V.M.